

FILED

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Sep 13 2008
JUN 13 2008
JUN 13 2008
MICHAEL W. DOBBS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Plaintiff(s)

Eloise K. Huber

08CV3433

JUDGE COAR
MAG. JUDGE COLE

Defendant(s)

V.
U.S. EPA et al.
Peter Swenson, US EPA
Alan Minor, USEPA
Frank Hyde, US EPA

MOTION FOR APPOINTMENT OF COUNSEL

[NOTE: Failure to complete all items in this form may result in the denial of the motion for appointment of counsel]

1. I, Eloise K. Huber, declare that I am the (check appropriate box)
☒ plaintiff ☐ defendant in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and hereby request the Court to appoint counsel to represent me in this proceeding.
2. In support of my motion, I declare that I have made the following attempts to retain counsel to represent me in this proceeding [NOTE: This item *must* be completed]:
I have repeatedly contacted Pre paid Legal and other attorneys in Chicago. They will not represent me because I don't have the retainer money demanded.
3. In further support of my motion, I declare that (check appropriate box):
☒ I am not currently, nor previously have been, represented by an attorney appointed by the Court in this or any other civil or criminal proceeding before this Court.
☐ I am currently, or previously have been, represented by an attorney appointed by the Court in the proceeding(s) described on the back of this page.
4. In further support of my motion, I declare that (check appropriate box):
☒ I have attached an original Application for Leave to Proceed *In Forma Pauperis* in the proceeding detailing my financial status.
☐ I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this proceeding, and it is a true and correct representation of my financial status.
☐ I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this proceeding. However, my financial status has changed and I have attached an Amended Application to Proceed *In Forma Pauperis* to reflect my current financial status.
5. I declare under penalty that the foregoing is true and correct.

Movant's Signature

Date

Street Address

City, State, ZIP

Eloise K. Huber
June 13, 2008

1631 S. Clarence Av; Apt 1
Berwyn, IL 60402

As indicated in paragraph three on the preceding page, I am currently, or previously have been, represented by an attorney appointed by this Court in the civil or criminal actions listed below.

Assigned Judge: _____

Case
Number: _____

Case Title: _____

Appointed Attorney's Name: _____

If this case is still pending, please check box

☐

Assigned Judge: _____

Case
Number: _____

Case Title: _____

Appointed Attorney's Name: _____

If this case is still pending, please check box

☐

Assigned Judge: _____

Case
Number: _____

Case Title: _____

Appointed Attorney's Name: _____

If this case is still pending, please check box

☐

Assigned Judge: _____

Case
Number: _____

Case Title: _____

Appointed Attorney's Name: _____

If this case is still pending, please check box

☐

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Eloise K. Hahn, P.E., REM.

Plaintiff

v.

U.S. EPA Region 5 et. al.

Peter Swenson, Chief NPDES Programs Branch, USEPA

Alan Nudelman, USEPA, Water Division

Tinka Hyde, Acting Water Division Director, USEPA

Defendants.

MOTION FOR APPLICATION FOR LEAVE TO PROCEED

IN FORMA PAUPERIS

1. I, Eloise K. Hahn, P.E., R.E.M., declare that I am the Plaintiff in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and hereby request the Court to appoint counsel to represent me in this proceeding.
2. In support of my motion, I declare I have made the following attempts to retain Counsel to represent me in this proceeding, being I contacted approximately ten attorneys who would not represent me because I didn't have the retainer requested.
3. In further support of my motion, I declare that I am not currently, nor previously have been, represented by an attorney appointed by the Court in this or any other civil or criminal proceeding before this court. Additionally, I am not currently incarcerated.
4. Finally, I declare that I will explain my position for Application for Leave to

-2-

Proceed In Forma Pauperis in the proceeding detailing my financial status,
being:

- a. I am not married and do not receive child support for my daughter.
- b. In the past twelve months my daughter and I have not received an additional in \$200 in wages from other employers. My daughter currently does volunteer work for the elderly and the disabled.
- c. I have not received any income from a private business or self employment in the past twelve months.
- d. I am in the "red" in my checking acct. and have been assessed as much as \$1,500 in overdraft fees in the past four months due to pay cuts.
- e. The only stocks and bonds I owe are the securities remaining in my TSP acct. I currently have two loans against the TSP acct and am not eligible to take another loan against the 401(k) fund.
- f. My daughter has recently been diagnosed with fibroid cysts in both of her ovaries and it is essential that she obtain immediate medical attention.
- g. I owe over \$100,000 for car payments and credit card debt.
- h. My financial affidavit is attached.

I declare under penalty of perjury that the above information is true and accurate.

I understand that pursuant to 28 U.S.C. Section 1915(e)(2)(A), the court shall dismiss this case at any time if the allegations of poverty is untrue.

-3-



Eloise K. Hahn, P.E., R.E.M.

1631 S. Clarence Av Apt. 1

Berwyn, IL 60402

June 13, 2008

FINANCIAL AFFIDAVIT

Wages.....\$2,800 (net)

Tuition.....\$1,000

Heat.....\$300

Electric.....\$75

Cable.....\$73

Credit Card Debt.....\$575

Car Payments.....\$1,000

Insurance.....\$280 + \$350 = \$630

Phone.....\$225

Gas.....\$400

TSP Loans.....\$370

Medicine.....\$500

Health Insurance.....\$362

Rent.....\$500

Food.....\$800

Grooming.....\$250

Water/Garbage.....\$50

Dental.....\$150

Physicians/Hospital.....\$400

Cleaning/Maintenance.....\$200

Prepaid legal.....\$50



NATIONAL CITY BANK
P.O. BOX 3038
KALAMAZOO, MI 49003-3038

ELOISE K HAHN TRUST
ELOISE K HAHN TRUSTEE
1631 CLARENCE AVE
BERWYN IL 60402

06/05/08

Overdraft/Non-Sufficient Funds Notice

On 06/05/08, there was not enough money in your National City checking account 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s) <u>Received</u>	Action	National City Fee
\$11.44	PAID/ACCT OVERDRAWN	FEE WAIVED
\$12.71	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$33.53	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$37.48	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

As a result, the final available balance* in your account after posting was -\$466.93.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 3 consecutive days, a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

**Available balance - This is the total balance in your account less deposited funds not yet available for your use, pending debit card transactions, and holds placed on your account. If you have overdraft protection, funds available through overdraft protection are also included in this amount.*

Branch: 617



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ELOISE K HAHN TRUST
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BERWYN IL 60402

06/04/08

Overdraft/Non-Sufficient Funds Notice

On 06/04/08, there was not enough money in your National City checking account 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s)	Action	National City Fee
<u>Received</u>		
\$7.45	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$10.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$21.88	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$25.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$28.39	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$75.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

As a result, the final available balance* in your account after posting was **-\$375.62**.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 3 consecutive days, a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

**Available balance - This is the total balance in your account less deposited funds not yet available for your use, pending debit card transactions, and holds placed on your account. If you have overdraft protection, funds available through overdraft protection are also included in this amount.*

Branch: 617

National City

NATIONAL CITY BANK

P.O. BOX 3038

KALAMAZOO, MI 49003-3038

ELOISE K HAHN TRUST
 ELOISE K HAHN TRUSTEE
 1631 CLARENCE AVE
 BERWYN IL 60402

05/01/08

Overdraft/Non-Sufficient Funds Notice

On 05/01/08, there was not enough money in your National City checking account. 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s)	Action	National City Fee
Received		
\$15.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

*1 overcharge**Additional 7 overdrafts sent**5/15/08**(34)(7) = 238**wasted!*

As a result, the final available balance* in your account after posting was **-\$34.66**.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 4 consecutive business days a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

*Available balance - This is the total balance in your account less deposited funds not yet available for your use, pending debit card transactions, and holds placed on your account. If you have overdraft protection, funds available through overdraft protection are also included in this amount.

Branch: 617



NATIONAL CITY BANK
P.O. BOX 3038
KALAMAZOO, MI 49003-3038

ELOISE K HAHN TRUST
ELOISE K HAHN TRUSTEE
1631 CLARENCE AVE
BERWYN IL 60402

04/28/08

Overdraft/Non-Sufficient Funds Notice

On 04/28/08, there was not enough money in your National City checking account 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s) <u>Received</u>	<u>Action</u>	<u>National City Fee</u>
\$18.91	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$25.44	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$40.50	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$45.95	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$52.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$101.34	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

6 overcharges

As a result, the final available balance* in your account after posting was **-\$471.85**.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 4 consecutive business days a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

*Available balance - This is the total balance in your account less deposited funds not yet available for your use, pending debit card transactions, and holds placed on your account. If you have overdraft protection, funds available through overdraft protection are also included in this amount.

Branch: 617



NATIONAL CITY BANK
P.O. BOX 3038
KALAMAZOO, MI 49003-3038

ELOISE K HAHN TRUST
ELOISE K HAHN TRUSTEE
1631 CLARENCE AVE
BERWYN IL 60402

*Accounting
Nightmare
due to
Supv.*

04/07/08

Overdraft/Non-Sufficient Funds Notice

On 04/07/08, there was not enough money in your National City checking account 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s) Received	Action	National City Fee
\$35.77	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$46.80	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$56.59	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$62.03	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$144.83	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$212.55	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$267.96	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$273.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

*cutting
may 25
\$860
biweekly*

As a result, the final available balance* in your account after posting was **-\$1,572.71**.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 4 consecutive business days a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

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Branch: 617

National City

Direct Banking Fra-Servi
100 North 13th Street
Franklin, PA 16323-0000

April 04, 2008
Number 023853830

Eloise K Hahn
1631 Clarence Ave
Berwyn, IL 60402

Dear Eloise K Hahn

Thank you for your recent application with us. We regret that we are unable to approve your application at this time. Our decision was based on the following reason(s):

1. bankruptcy
2. -
3. -
4. -

During the course of our investigation, we may have ordered a consumer credit report. If such a report was ordered and our credit decision was our decision. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. You have a right to a free copy of your report from the reporting agency or agencies if you request it from the consumer reporting agency no later than 60 days after you receive this notice at the address or telephone below. In addition, if you find that any information in your report is inaccurate or incomplete, you have the right to dispute the matter with the consumer reporting agency.

Transunion
Chester, Pa 19022

2 Baldwin Place
800-888-4213

Please review the reverse side of this letter for important information about your rights under the Federal Equal Credit Opportunity Act.

Should you have further questions, please call us at the number below. Again, thank you for choosing National City for your financing needs!

Sincerely,

National City

800-352-0186



NATIONAL CITY BANK
P.O. BOX 3038
KALAMAZOO, MI 49003-3038

ELOISE K HAHN TRUST
ELOISE K HAHN TRUSTEE
1631 CLARENCE AVE
BERWYN IL 60402

03/18/08

Overdraft/Non-Sufficient Funds Notice

On 03/18/08, there was not enough money in your National City checking account 601686218 to cover the debit items we received that day. We took the following action:

Debit Item(s) Received	Action	National City Fee
\$6.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$10.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$10.00	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$11.92	PAID/ACCT OVERDRAWN	\$34.00 CHARGED
\$22.50	PAID/ACCT OVERDRAWN	\$34.00 CHARGED

5 overdrafts

As a result, the final available balance* in your account after posting was **-\$209.36**.
A deposit to your account may be required to avoid incurring future fees. If an account is overdrawn and remains so for more than 4 consecutive business days a \$8.00 continuous overdraft fee will be charged each day that it is still overdrawn.

National City offers several ways to protect your account from overdrafts or non-sufficient funds. For more information about overdraft protection options, or if you have any questions about this notice, contact your National City branch or call our customer service center at 1-800-925-9259.

Thank you for choosing National City.

Returned: As a result of the non-sufficient funds (NSF), debit item was returned unpaid to the merchant or payee.
Paid/Acct. Overdrawn: Debit item was paid and charged to the account. This action caused the account to be overdrawn.

*Available balance - This is the total balance in your account less deposited funds not yet available for your use, pending debit card transactions, and holds placed on your account. If you have overdraft protection, funds available through overdraft protection are also included in this amount.

Branch: 617